



U.S. Department of Justice

United States Attorney
Southern District of New York

The Silvio J. Mollo Building
One Saint Andrew's Plaza
New York, New York 10007

May 27, 2020

BY ECF

The Honorable Richard M. Berman
United States District Judge
Southern District of New York
500 Pearl Street
New York, New York 10007

Re: ***United States v. Harald Joachim von der Goltz, 18 Cr. 693 (RMB)***

Dear Judge Berman:

The Government respectfully submits this letter regarding the above-captioned case. The defendant Harald Joachim von der Goltz entered a guilty plea, without a plea agreement, before Magistrate Judge Barbara C. Moses on February 18, 2020, and the Court accepted the defendant's guilty plea on February 24, 2020. At the time the Court accepted the defendant's guilty plea, the parties informed the Court that there were certain disagreements relating to the sentencing guidelines that would potentially require a *Fatico* hearing. The Court set a date for the *Fatico* hearing, which is currently set for June 16, 2020.

The parties have now reached agreement on the majority of the sentencing issues, as reflected in an agreement signed by the parties, which is being filed as an exhibit to this letter. The parties have also reached agreement on a proposed consent preliminary order of forfeiture, which is being filed as an exhibit to this letter. The remaining dispute involves a legal question regarding whether certain conduct of the defendant constitutes either offense conduct or relevant conduct, which the parties believe can be resolved on the basis of written sentencing submissions without the need for a *Fatico* hearing. Accordingly, the parties respectfully request that the Court enter the attached proposed consent preliminary order of forfeiture and remove the *Fatico* hearing and accompanying filing deadlines from the calendar in this case.

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Respectfully submitted,

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cc: Defense Counsel (by ECF)

Fatico hearing is cancelled at the request of	
and on consent of all parties.	
SO ORDERED:	<u>Richard M. Berman</u> Richard M. Berman, U.S.D.J.
Date: 6/2/2020	